

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

## **ORDER**

Before the Court is the Request for Refund of Filing Fee. (Doc. 6.) On May 31, 2017, Defendant filed a Notice of Removal (doc. 1), removing this action from state court based on diversity of citizenship. One day later, Defendant filed a Request to Withdraw Removal (doc. 4), stating that “the removal was mistakenly requested on the preliminary belief that Defendant was not a resident of the State of Missouri.” The next day, pursuant to the forum defendant rule, the Court remanded this action to state court. Defendant now seeks a refund of the \$400.00 fee she paid to file the notice of removal.

Upon review, the Court finds no basis to refund the filing fee. Per 28 U.S.C. § 1914(a), a party instituting a civil action by removal must pay a filing fee. Neither Section 1914 nor the Local Rules include any provision for the refund of a filing fee. Here, the fee was not paid in error, as Defendant intended to file the notice of removal. The fact that she was mistaken about the asserted basis for removal does not mean the fee was paid erroneously. *See Peters v. Wells Fargo*, No. 15-4602, 2016 WL 1211798 at \*2 (D. Minn. Mar. 8, 2016). Furthermore, the court resources for which the filing fees are collected, *i.e.* opening the case, have already been expended, along with additional resources to address Defendant’s subsequent requests.

Accordingly, the Request for Refund of Filing Fee (doc. 6) is **DENIED**.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark  
ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: June 20, 2017